

IC 20-12-23

Chapter 23. Indiana University: General Powers

IC 20-12-23-1

Recognition as university of the state

Sec. 1. Indiana University is hereby recognized as the university of the state.

(Formerly: Acts 1852, IRS, c.114, s.1.) As amended by P.L.2-1988, SEC.613.

IC 20-12-23-2

Trustees; number; officers; powers

Sec. 2. (a) The board of trustees of the state university shall be nine (9) in number.

(b) This subsection does not apply to the student trustee appointed under IC 20-12-24-3.5. Not more than:

(1) one (1) of the trustees elected under IC 20-12-24-2; and

(2) two (2) of the trustees appointed under IC 20-12-24-3;

may reside in the same county.

(c) The trustees and their successors shall be a body politic, with the style of "The Trustees of Indiana University"; in that name to sue and be sued; to elect one (1) of their number president; to elect a treasurer, secretary, and such other officers as they may deem necessary, to prescribe the duties and fix the compensation of such officers; to possess all the real and personal property of such university for its benefit; to take and hold, in their corporate name any real or personal property for the benefit of such institution; to expend the income of the university for its benefit; to declare vacant the seat of any trustee who shall absent himself from two (2) successive meetings of the board, or be guilty of any gross immorality or breach of the bylaws of the institution; to elect a president, such professors and other officers for such university as shall be necessary, and prescribe their duties and salaries; to employ other persons as necessary; to establish programs of fringe benefits and retirement benefits for the university's officers, faculty, and other employees that may be supplemental to or in lieu of state retirement programs established by statute for public employees; to prescribe the course of study and discipline and price of tuition in such university; and to make all bylaws necessary to carry into effect the powers hereby conferred.

(Formerly: Acts 1852, IRS, c.114, s.2; Acts 1855, c.99, s.1; Acts 1935, c.269, s.1; Acts 1975, P.L.245, SEC.1.) As amended by Acts 1981, P.L.190, SEC.4; P.L.46-1988, SEC.9; P.L.115-2002, SEC.1.

IC 20-12-23-3

Trustees; annual meeting

Sec. 3. Said trustees shall annually meet at the town of Bloomington, at least three (3) days preceding the annual commencement of the university.

(Formerly: Acts 1852, IRS, c.114, s.3.)

IC 20-12-23-4**Trustees; quorum; temporary appointments**

Sec. 4. Five (5) of such trustees shall constitute a quorum; and, in case an emergency is declared by the faculty, after there shall have been a called session, at which the other members failed to attend, the three trustees residing in the county of Monroe may fill vacancies in the faculty of the university and the board of trustees; and, in case there should not be three (3) trustees in attendance upon such emergency, then those that are in attendance, together with such members of the faculty as may be in attendance, shall fill such vacancies; but appointments thus made shall expire at the next meeting of the board.

(Formerly: Acts 1852, IRS, c.114, s.4.)

IC 20-12-23-5**Trustees; receiving proceeds of certain sales and rents**

Sec. 5. The trustees of said university shall receive the proceeds of the sales and rents of the three (3) reserved sections in the seminary township in Monroe County, and the same shall be paid to the treasurer of said trustees, on their order.

(Formerly: Acts 1852, IRS, c.114, s.5.)

IC 20-12-23-6**State university fund loans; payment of interest**

Sec. 6. The interest arising from loans of the state university fund shall, as received at the state treasury, be paid on the warrants of the auditor of state, such warrants to be granted on allowances made to the persons entitled thereto by the board of trustees, and duly certified by their secretary.

(Formerly: Acts 1852, IRS, c.114, s.6.)

IC 20-12-23-7**Faculty; powers**

Sec. 7. The president, professors and instructors shall be styled "the faculty" of said university, and shall have power:

First. To enforce the regulations adopted by the trustees for the government of the students.

Second. To which end they may reward and censure, and may suspend those who continue refractory until a determination of the board of trustees can be had thereon.

Third. To confer, with the consent of the trustees, such literary degrees as are usually conferred in other universities, and, in testimony thereof, to give suitable diplomas, under the seal of the university and signature of the faculty.

(Formerly: Acts 1852, IRS, c.114, s.7.)

IC 20-12-23-8**Religious qualifications prohibited**

Sec. 8. No religious qualification shall be required for any student, trustee, president, professor or other officer of such

university, or as a condition for admission to any privilege in the same.

(Formerly: Acts 1852, IRS, c.114, s.8.)

IC 20-12-23-9

Teaching of sectarian tenets prohibited

Sec. 9. No sectarian tenets shall be inculcated by any professor at such university.

(Formerly: Acts 1852, IRS, c.114, s.9.)

IC 20-12-23-10

County scholars; appointment; benefits

Sec. 10. The board of trustees and faculty of Indiana University shall appoint annually to said university not less than two (2) students or scholars from each county in this state. Such nominations shall be made on the basis of scholarship and superior mental ability. Scholars so appointed shall be entitled to enter, remain and receive instruction in said university for the next school year after their appointment, upon the same conditions, qualifications and regulations prescribed for other applicants for admission to, or students in, said university; provided, however, that any student attending said university pursuant to appointment by virtue of this section shall in no wise be chargeable for the payment of any contingent fees; and, provided, further, that such appointments may be made from students eligible to enter said university, or students in attendance at said university.

(Formerly: Acts 1852, IRS, c.114, s.10; Acts 1919, c.185, s.1; Acts 1935, c.45, s.1.) As amended by P.L.2-1988, SEC.614.

IC 20-12-23-11

County scholars; notice of deficiency in numbers

Sec. 11. The secretary of the board shall notify the county auditor of each county of the state whenever there shall not be in attendance at the university the number of students which such county is entitled to send free of tuition; of which such auditor shall notify the board of commissioners of such county at its next meeting.

(Formerly: Acts 1852, IRS, c.114, s.11.)

IC 20-12-23-12

Treasurer of university; bond

Sec. 12. The treasurer of the university shall give bond in a penalty and with surety to be approved by such board, payable to the state, conditioned for the faithful discharge of his duties; which bond shall be filed with the auditor of state.

(Formerly: Acts 1852, IRS, c.114, s.12.)

IC 20-12-23-13 Repealed

(Repealed by Acts 1977, P.L.6, SEC.1.)

IC 20-12-23-14

Repealed

(Repealed by Acts 1977, P.L.6, SEC.1.)

IC 20-12-23-15

Repealed

(Repealed by Acts 1977, P.L.6, SEC.1.)

IC 20-12-23-16

Secretary of board of trustees; duties

Sec. 16. The secretary of the board of trustees shall keep a true record of all the proceedings of said board, and certify copies thereof. He shall also keep an account of the students in the university according to their classes, stating their respective ages and places of residence, and a list of all graduates.

(Formerly: Acts 1852, IRS, c.114, s.16.)

IC 20-12-23-17

Treasurer of university; duties

Sec. 17. The treasurer of said university shall:

First. Keep true accounts of all money received into the treasury of said university, and of the expenditure thereof.

Second. Pay out the same on the order of the board of trustees, certified by their secretary.

Third. Collect the tuition fees due the same.

Fourth. Make semi-annual settlements with the board of trustees.

Fifth. Submit a full statement of the finances of the university, his receipts and payments, at each meeting of the board of trustees.

Sixth. Submit his books and papers to the inspection of the trustees and visitors.

(Formerly: Acts 1852, IRS, c.114, s.17.)

IC 20-12-23-18

Repealed

(Repealed by P.L.20-1984, SEC.202.)

IC 20-12-23-19

Repealed

(Repealed by Acts 1978, P.L.6, SEC.36.)

IC 20-12-23-20

Repealed

(Repealed by Acts 1978, P.L.6, SEC.36.)

IC 20-12-23-21

Repealed

(Repealed by Acts 1978, P.L.6, SEC.36.)

IC 20-12-23-22

Annual catalog

Sec. 22. Such report shall contain what is now included in the

annual catalogue, with such other matters as may be deemed useful to the cause of education connected with the university.

(Formerly: Acts 1852, IRS, c.114, s.22.)

IC 20-12-23-23

Committee to examine university building; repairs and maintenance; report

Sec. 23. The board of trustees shall annually appoint a committee of their body to examine the university buildings and grounds adjacent, who shall report the kind and cost of repairs, if any are needed; and one of the number of faculty shall be appointed to take care of such buildings and grounds.

(Formerly: Acts 1852, IRS, c.114, s.24.)

IC 20-12-23-24

Repealed

(Repealed by Acts 1978, P.L.6, SEC.36.)

IC 20-12-23-25

Repealed

(Repealed by Acts 1978, P.L.6, SEC.36.)

IC 20-12-23-26

University fund; composition; loans

Sec. 26. The university fund shall consist of the lands in Monroe and Gibson counties, and proceeds of sales thereof, and all donations for the use of such university, where the same is expressly mentioned in the grant, or where, in such grant, the term "university" only is used; the principal of which fund, when paid into the state treasury, shall be loaned, and the annual interest thereon applied to the current expenses of the university, upon warrants drawn on the treasurer of state by the auditor of state, on the requisition of the board of trustees, signed by the president and attested by the secretary thereof.

(Formerly: Acts 1852, IRS, c.114, s.28.)

IC 20-12-23-27

University fund loans; security

Sec. 27. It shall be the duty of the auditor of state to loan out such fund upon real estate security, and he shall duly inform himself of the value of all real estate offered in pledge, and shall be judge of the validity of the title thereof; and all persons applying for a loan shall produce to said auditor, the title papers to such real estate, showing title in fee simple, without incumbrance, and not derived through any executor's or administrator's sale or sale on execution.

(Formerly: Acts 1852, IRS, c.114, s.29.)

IC 20-12-23-28

University fund loans; form of mortgage

Sec. 28. The mortgage to be taken may be in the following form, in substance: I, A. B., of the county of _____, in the state of

Indiana, do assign and transfer to the state of Indiana, all (here describe the land), which I declare to be mortgaged for the payment of _____ dollars, with interest at the rate of six per cent per annum, payable in advance, according to the conditions of the note hereunto annexed.

(Formerly: Acts 1852, IRS, c.114, s.30; Acts 1901, c.156, s.1.)

IC 20-12-23-29

University fund loans; form of note

Sec. 29. The note accompanying the same may be, in substance, as follows: I, A.B., promise to pay to the state of Indiana, on or before the _____ day of _____, the sum of _____, with interest thereon at the rate of six (6) per cent per annum, in advance, commencing on the _____ day of _____, 19 ____, and do agree that, in case of failure to pay any installment of said interest, the said principal shall become due and collectible, together with all arrears of interest; and on any such failure to pay principal or interest when due, five (5) per centum damages on the whole sum due shall be collected with costs, and the premises mortgaged may be forthwith sold by the auditor of public accounts (auditor of state) for the payment of such principal sum, interest, damages and costs.

(Formerly: Acts 1852, IRS, c.114, s.31; Acts 1901, c.156, s.2.)

IC 20-12-23-30

University fund loans; maximum amount; terms; additional restrictions

Sec. 30. No greater sum than five hundred dollars (\$500) shall be loaned to any one (1) person out of such fund, nor shall the loan be for a longer period than five (5) years; and the sum loaned shall not exceed one-half of the appraised value of the premises to be mortgaged, clear of all perishable improvements, and the auditor may reduce the amount to be loaned on any such valuation, when, for any cause, he may have reason to believe the same was not in proportion to the prices of similar property selling in the vicinity, such valuation to be made from the valuation of the same property in the assessment of the state revenue.

(Formerly: Acts 1852, IRS, c.114, s.32.)

IC 20-12-23-31

University fund loans; interest

Sec. 31. The rate of interest required shall be six (6) per cent in advance, payable annually. On failure to pay any installment of interest when due, the principal shall forthwith become due; and the note and mortgage may be collected.

(Formerly: Acts 1852, IRS, c.114, s.33; Acts 1901, c.156, s.3.)

IC 20-12-23-32

Mortgage on loan; priority

Sec. 32. Such mortgages shall be considered as of record from the date thereof; and shall have priority of all mortgages or conveyances

not previously recorded, and of all other liens not previously incurred, in the county where the land lies.

(Formerly: Acts 1852, IRS, c.114, s.34.)

IC 20-12-23-33

Mortgage; recording

Sec. 33. It shall be the duty of the auditor to have such mortgages recorded with due diligence, the expense whereof shall be borne by the mortgagor, and may be retained out of the money borrowed.

(Formerly: Acts 1852, IRS, c.114, s.35.)

IC 20-12-23-34

Applicant for loan; certification of land as free of encumbrances

Sec. 34. The person applying for a loan shall file with the auditor the certificate of the clerk and recorder of the county in which the land lies, showing that there is no conveyance of or encumbrance on said land in either of their offices.

(Formerly: Acts 1852, IRS, c.114, s.36.)

IC 20-12-23-35

Oath on abstract of title

Sec. 35. Such person shall also, before he receives the money to be loaned, make oath to the truth of an abstract of the title to his said land, and that there is no encumbrance or better claim, as he believes, upon said land.

(Formerly: Acts 1852, IRS, c.114, s.37.)

IC 20-12-23-36

Warrants for loan

Sec. 36. On making any loan of such fund, the auditor shall draw his warrant on the treasurer, in favor of the borrower; and the treasurer shall pay the same, and charge it to the proper fund.

(Formerly: Acts 1852, IRS, c.114, s.38.)

IC 20-12-23-37

Payment of loan refunded and interest

Sec. 37. All loans refunded, and all interest, shall be paid into the state treasury; and the treasurer's receipt shall be filed with the auditor of state, who shall give the payer a quietus for the amount thereof, and make the proper entries upon his books.

(Formerly: Acts 1852, IRS, c.114, s.39.)

IC 20-12-23-38

Satisfaction of mortgage; endorsement

Sec. 38. Whenever the amount due on any mortgage shall be fully paid, and the treasurer's receipt filed therefor, the auditor shall endorse on the note and mortgage that the same has been fully satisfied, and surrender them to the person entitled thereto; and on the production of the same, with such endorsement thereon, the recorder of the proper county shall enter satisfaction upon the record

thereof.

(Formerly: Acts 1852, IRS, c.114, s.40.)

IC 20-12-23-39

Collection of unpaid loans; sale of mortgaged premises

Sec. 39. When the interest or principal of any such loan shall become due and remain unpaid, the auditor shall proceed to collect the same by a suit on the note, or by sale of the mortgaged premises, or both, as to him may seem most advisable. He may, also, by proper action, obtain possession of the mortgaged premises.

(Formerly: Acts 1852, IRS, c.114, s.41.)

IC 20-12-23-40

No stay of execution or appraisal of property allowed

Sec. 40. In case of suit on such note, and judgment thereon, no stay of execution or appraisal of property shall be allowed.

(Formerly: Acts 1852, IRS, c.114, s.42.)

IC 20-12-23-41

Advertisement of mortgage sale

Sec. 41. On failure to pay any interest or principal when due on any such mortgage, the auditor shall advertise the mortgaged property for sale in one (1) or more of the newspapers printed in this state, for sixty days; such sale to take place at the courthouse door in Indianapolis.

(Formerly: Acts 1852, IRS, c.114, s.43.)

IC 20-12-23-42

Sale of mortgage property; procedure

Sec. 42. At the time appointed for such sale, the auditor and treasurer of state shall attend; and the auditor shall make sale of so much of the mortgaged premises, to the highest bidder, for cash, as will pay the amount due for principal, interest, damages and costs of advertising and selling the same; and such sales may be in parcels so that the whole amount required be realized.

(Formerly: Acts 1852, IRS, c.114, s.44.)

IC 20-12-23-43

Auditor bidding on mortgage property

Sec. 43. In case no one will bid the full amount due as aforesaid, the auditor shall bid in the same, on account of the proper fund; and as soon thereafter as may be, shall sell the same to the highest bidder for cash, or on a credit of five (5) years, interest being payable annually in advance.

(Formerly: Acts 1852, IRS, c.114, s.45.)

IC 20-12-23-44

Amount of sale; restrictions

Sec. 44. The sale authorized in section 43 of this chapter shall not be for less than the amount chargeable on such land, and if for more,

the overplus shall be paid to the mortgagor, his heirs, or assigns.
(Formerly: Acts 1852, IRS, c.114, s.46.) As amended by P.L.2-1988,
SEC.615.

IC 20-12-23-45

Treasurer's statement of sale

Sec. 45. The treasurer shall attend and make a statement of such sales, which shall be signed by the auditor and treasurer, and, after being duly recorded in the auditor's office, shall be filed in the treasurer's office; and such record, or a copy thereof, authenticated by the auditor's or treasurer's certificate, shall be received as evidence of the matters therein contained.

(Formerly: Acts 1852, IRS, c.114, s.47.)

IC 20-12-23-46

Land bid in by state

Sec. 46. When any land is bid in by the state at such sale, no deed need be made therefor to the state, but the statement of such sale, and the record thereof made, as in section 45 of this chapter required, shall vest the title in the state, for the use of the fund.

(Formerly: Acts 1852, IRS, c.114, s.48.) As amended by P.L.2-1988,
SEC.616.

IC 20-12-23-47

Cash sales of land; purchase or certificate

Sec. 47. In case of a sale of any such lands to any person for cash, on the production of the treasurer's receipt for the purchase money, the auditor shall give to the purchaser a certificate, which shall entitle him to a deed for said land, to be executed by the governor of this state, and recorded in the office of the secretary of state.

(Formerly: Acts 1852, IRS, c.114, s.49.)

IC 20-12-23-48

Sale of land on credit; procedure

Sec. 48. In like manner, when any tract bid off by the state is sold on a credit, on the execution and delivery of a note and mortgage for the proper amount, as in other cases required, the purchaser shall be entitled to a deed for the same, to be made as prescribed in section 47 of this chapter, and the transaction shall be entered and appear upon the auditor's and treasurer's books as a payment of the sum bid, and a reloan of the same to the purchaser, and the proper receipts and warrants shall pass therefor.

(Formerly: Acts 1852, IRS, c.114, s.50.) As amended by P.L.2-1988,
SEC.617.

IC 20-12-23-49

Sales fees of auditor and treasurer

Sec. 49. For the services of the auditor and treasurer in conducting such sales, they shall be entitled to receive five (5) per cent damages chargeable on such sales.

(Formerly: Acts 1852, IRS, c.114, s.51.)

IC 20-12-23-50

Auditor's and treasurer's accounting duties

Sec. 50. The auditor and treasurer shall keep fair and regular entries of the sums received and paid out on account of said fund, and shall include the same in their annual reports.

(Formerly: Acts 1852, IRS, c.114, s.52.)

IC 20-12-23-51

Auditor's additional accounting duties

Sec. 51. In addition thereto, the auditor shall keep fair and regular accounts with the borrowers of said fund, and shall report the names of borrowers with his annual report.

(Formerly: Acts 1852, IRS, c.114, s.53.)

IC 20-12-23-52

Interest remaining on hand; loans

Sec. 52. Should any interest remain on hand, not wanted for the use of the university, the same may be loaned as other funds.

(Formerly: Acts 1852, IRS, c.114, s.54.)

IC 20-12-23-53

Care and disposition of unsold or unpaid lands; sale by commissioners of reserved townships; restriction on timber cutting

Sec. 53. The care and disposition of the lands belonging to and for the use of said university, remaining unsold or unpaid for, shall be vested in the present commissioners of the reserved townships in the counties in which such lands may lie, who shall sell such as remain unsold, and such as are forfeited for nonpayment, on such terms and under such regulations as the board of trustees of such university may provide; except that, in every instance, the interest on the purchase-money must be paid in advance, and no purchaser, his heirs or assigns, shall have the right to cut down or destroy timber standing upon such land, other than for the erection of fences and buildings thereon, or for fire-wood to be used on the premises, and in fairly improving it for cultivation.

(Formerly: Acts 1852, IRS, c.114, s.55.)

IC 20-12-23-54

Purchase certificate; execution and filing

Sec. 54. On the first payment for any such land being made, the proper commissioner shall execute to the purchaser a certificate therefor; and on final payment, the original certificate shall be surrendered to the commissioner, and by him filed away, and he shall give to the purchaser two (2) final certificates, stating the whole amount of principal and the whole amount of interest paid, one of which certificates shall be forwarded to the auditor of state; and on presentation of the other to the auditor of state, if in all things correct, he shall countersign the same, which shall entitle the owner

to a patent, to be issued by the governor for the land so paid for.
(Formerly: Acts 1852, IRS, c.114, s.56.)

IC 20-12-23-55

Lease of unsold improved land

Sec. 55. Such commissioners may, from time to time, lease any such unsold improved land for terms not exceeding one (1) year, until the same can be sold; and such leases shall be guarded against trespass and waste by proper covenants.
(Formerly: Acts 1852, IRS, c.114, s.57.)

IC 20-12-23-56

Repealed

(Repealed by Acts 1978, P.L.6, SEC.36.)

IC 20-12-23-57

Disposition of money collected by commissioners

Sec. 57. Money collected by such commissioners shall be paid over to the treasurer of the board, who shall execute to such commissioners two (2) receipts therefor, each specifying the persons from whom such money was collected, and the amount thereof, whether for interest or principal, one of which receipts shall be immediately forwarded to the auditor of state, to be by him used in his settlement with such treasurer.
(Formerly: Acts 1852, IRS, c.114, s.59.)

IC 20-12-23-58

Compensation of commissioners

Sec. 58. Such board shall regulate the compensation of such commissioners.
(Formerly: Acts 1852, IRS, c.114, s.60.)

IC 20-12-23-59

Patents for land sold; recording

Sec. 59. Patents for land sold shall be made by the governor and recorded in the office of the secretary of state.
(Formerly: Acts 1852, IRS, c.114, s.61.)